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DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL., PETITIONERS

v.

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, ET AL.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL., PETITIONERS

v.

STATE OF HAWAII, ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURTS OF APPEALS FOR THE FOURTH AND NINTH CIRCUITS

BRIEF FOR INTERFAITH GROUP OF RELIGIOUS AND INTERRELIGIOUS ORGANIZATIONS AS AMICI CURIAE SUPPORTING RESPONDENTS

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BRIEF FOR INTERFAITH GROUP OF RELIGIOUS AND INTERRELIGIOUS ORGANIZATIONS AS AMICI CURIAE SUPPORTING RESPONDENTS

Amici curiae, an interfaith group of religious and interreligious organizations, respectfully submit this brief in support of respondents.[1]

INTEREST OF AMICI CURIAE

Amici are a diverse group of thirty-nine faith-based and interfaith religious associations, congregations, and organizations pursuing their respective faiths alongside each other and standing for the right of all believers to practice their religions, as guaranteed by the First Amendment. Amici have a wide array of beliefs and come from different faith traditions, yet they unite here to speak with one voice to urge the Court to affirm the courts of appeals' judgments and to hold that Executive Order 13,780 violates the Constitution.

Amici have a strong interest in this case because the Order harms them and their right to practice their faiths. Although the Order is ostensibly a nationality-based ban, it is focused by design on citizens of majority-Muslim nations. Amici therefore

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[1] No counsel for a party authored this brief in whole or in part, and no person other than amici, their members, or their counsel made a monetary contribution to its preparation or submission. Petitioners have filed blanket consents to the filing of amicus briefs. Correspondence from counsel for respondents consenting to the filing of this brief is being submitted to the Clerk.

see it for what it is: anti-Muslim discrimination. Such government-imposed discrimination has real harms. By targeting members of a particular faith, it promotes dangerous stereotypes and fosters baseless fear.

Discrimination against members of one faith harms people of other faiths as well. All religious people in this Nation depend on the right to practice their faith free from discrimination. When religious-based discrimination is permitted—especially when propagated at the highest levels of government—the free-exercise right of members of all faiths is chilled.

Additionally, amici's various faiths teach that we cannot forsake people in their time of crisis. Amici's faiths therefore commit them to helping others who have been victims of war, hunger, and persecution—and, in particular, to helping refugees. Amici include faith-based refugee-resettlement organizations and local congregations that actively participate in aiding refugees. The Order directly impedes amici's ability to practice their religions and to carry out their refugee-assistance missions.

Amici curiae are as follows:

The **Alliance of Baptists** is a faith community comprised of 140 congregations across the United States and over 3,000 individual members—Christians knit together by love for God, committed to religious liberty for all, whatever their faith tradition, including those of no faith. Its response to the call of God in Jesus Christ to be disciples and servants includes a commitment to prophetic action to bring about justice and healing in our world. The Alliance, whose congregations work with and support

refugees and immigrants, joins this amicus brief in response to a Covenant of commitment to side with those who are poor and pursue justice with and for those who are oppressed.

The **American Baptist Churches USA** is a spiritual family of approximately 5,000 churches and 1.3 million members. We are an ethnically diverse people called to radical personal discipleship in Christ Jesus. We believe in promoting a society where justice and love reign. Through the love of Christ, we embrace the world as neighbor. Historically, based on Baptist core convictions such as the infinite value of every person, individual liberty, soul freedom, and separation of church and state, ABCUSA has been a leading Protestant agency advocating for fair immigration laws and assisting refugees to resettle in the United States, regardless of their ethnic, cultural, or religious backgrounds.

American Jewish World Service (AJWS) is the first and only Jewish organization dedicated solely to ending poverty and promoting human rights in the developing world. AJWS has joined this amicus brief because it believes that the policies addressed in the brief run counter to the best traditions of the United States—welcoming refugees and immigrants is central to American identity. Furthermore, as a Jewish American organization, AJWS refuses to stand idly by while ethnic and religious minorities are under attack for simply being who they are.

Avodah, an organization committed to developing Jewish leaders who become lifelong agents for social change, offers Jewish leadership programs for young adults and focuses on integrating Jewish identity

and social justice. Avodah has joined this amicus brief because Jewish tradition requires that Jews speak out against injustice, and Jewish history teaches the critical importance of standing up for those targeted by hatred and intolerance.

The **Church of the Brethren** is a Christian denomination committed to continuing the work of Jesus peacefully and simply, and to living out its faith in community. Based in the Anabaptist and Pietist faith traditions, it celebrated its 300th anniversary in 2008 and today counts some 114,000 members across the United States and Puerto Rico, with missions and sister churches around the world. Out of its faith tradition of seeking peace in community and in discipleship to Jesus Christ, the Church of the Brethren opposes the Executive Order barring refugees and citizens of six predominantly Muslim countries from entry to the United States. As declared in its 1982 statement, *Undocumented Persons and Refugees in the United States*, "The primary truth of faith as we consider immigrants and refugees today is that Christ has made another appearance among us, as Himself an immigrant and refugee in the person of political dissidents, the economically deprived, and foreigners on the run. We are to join them as pilgrims in search of that city yet to come, with foundations of love and justice whose architect and builder is God."

Church World Service (CWS), a humanitarian agency that brings together 37 Protestant, Anglican and Orthodox member communions, is one of the nine refugee resettlement agencies in the United States, and, through a center in Nairobi, also assists with the processing of all refugees resettled to the

United States from Africa. CWS, the National Council of Churches, and their constituencies, representing 30 million people in the United States, issued the Ecumenical Declaration: to Protect Welcome and Restore Hope, declaring to the President, members of Congress and their own constituencies their strong opposition to the Executive Order and their "moral responsibility to speak out and advocate alongside all immigrants and refugees to stop these unjust and immoral executive orders."

Disciples Home Missions is the enabling and coordinating expression of the **Christian Church (Disciples of Christ)** in the United States and Canada in the areas of congregational programming and mission in North America. With over 750,000 members in more than 3,800 congregations, DHM and its Refugee and Immigration Ministries engage congregations and members in advocacy to support refugee and immigrant rights, and to ensure ongoing and vigorous resettlement and partnerships with refugees within the United States. It has, since 1949, resettled more than 38,000 refugees and assisted countless people facing immigration problems.

The **Evangelical Lutheran Church in America** (ELCA) is the largest Lutheran denomination in North America and is the fifth largest Protestant body in the United States, with more than 3.7 million members in 9,000 congregations. The ELCA and its predecessor denominations have continually declared opposition to any attempts by government to curb religious liberty through statutory or administrative measures. As Lutherans, many of our ancestors faced the pain of having to flee their homelands and felt the joy of being welcomed in new communi-

ties throughout these United States. Throughout our history, millions of Lutherans across this country have honored our shared biblical values, as well as the best of our nation's traditions, by welcoming refugees of all faiths and by offering refuge to those most in need. Lutherans stand firmly against any policies that would scale back this country's refugee resettlement programs.

Faith in Public Life is a strategy center for the faith community advancing faith in the public square as a powerful force for justice, compassion, and the common good. Its #BridgesNotWalls program is a movement to lift up faith voices in solidarity with refugees and immigrants. It joins this brief out of a belief that welcoming refugees and protecting religious liberty reflect the demands of Scripture and our nation's highest ideals.

Inspired by the Gospel of Jesus, and the example of Saints Francis and Clare, the **Franciscan Action Network** (FAN) is a collective Franciscan voice seeking to transform U.S. public policy related to peace-making, care for creation, poverty, and human rights including advocacy on behalf of immigrants and refugees. The Executive Order effectively halting the refugee resettlement process is deeply disturbing to Franciscans all over the country. Providing protection to people seeking safety is one of our nation's proudest and longest standing traditions, which we are morally obligated to uphold. This executive action goes back on America's promise to refugees and abdicates America's leadership role on human rights.

Franciscans for Justice is a joint project of the Franciscan Friars of the St. Barbara Province and the Our Lady of Guadalupe Province that includes more than 200 friars throughout the western United States. For over 800 years, Franciscans have upheld the fact that twice St. Francis of Assisi went to the Muslim sultan, not to convert him, but to befriend him; Franciscans hold Muslim believers dear to our hearts. Franciscans for Justice challenges the U.S. government to reach out to all Muslim refugees—not to ban them, but to befriend them.

The **Friends Committee on National Legislation** is the oldest religious lobby in Washington, D.C., lobbying Congress and the Administration to advance peace, justice, opportunity, and environmental stewardship. FCNL opposes the Executive Order because it goes against our core values of welcome, religious freedom, and assistance to those most in need. The Muslim and refugee ban is discriminatory, unconstitutional, and immoral.

The **General Synod of the United Church of Christ** is the representative body of this Protestant denomination of more than 900,000 members and over 5,000 churches. The United Church of Christ has long advocated for the rights of immigrants and refugees, both in word and deed, publicly stating its support for immigrants and refugees through numerous resolutions throughout its history. At the most recent meeting of the General Synod in 2017, the United Church of Christ proclaimed itself an Immigrant Welcoming Denomination, encouraging the development of U.S. policy dedicated to facilitating the respectful welcome and inclusion of all immigrants.

Interfaith Alliance advocates from a faith perspective for the guarantees of the independence of conscience from government and of government from religion, including special attention to the rights of minorities. It rejects any religious test in this country, not just for elected office but also for securing the blessings of life, liberty, and the pursuit of happiness. It believes the attempt to exclude immigrants and refugees because they are part of a particular religion or subset of that religion violates the nation's basic values and constitutional guarantees.

Interfaith Worker Justice is a national affiliate network of more than sixty worker centers and faith-labor organizations. We support our affiliates in worker-led campaigns to bring dignity and justice to all working people, regardless of faith tradition, national origin, ethnicity, or immigration status. Any travel ban which discriminates based on national origin or faith tradition is not only unconstitutional, it is unjust and immoral.

Islamic Relief USA is a nonprofit humanitarian organization that provides the necessities of life in refugee camps outside the United States and resettlement aid to refugees here. Its work to protect the most vulnerable in the human family, particularly those who have fled poverty, violence, and oppression, is guided by the timeless values and teachings provided by the revelations contained within the Qur'an and prophetic example. Despite the fear and anguish created by this Executive Order, which has profoundly affected its staff, donors and beneficiaries, Islamic Relief USA continues to reach out to its neighbors in love and serve them with dignity believ-

ing that what unites us is stronger than the fears that divide us.

The **Leadership Conference of Women Religious** (LCWR), founded in 1956, is an association of leaders of congregations of Catholic women religious. LCWR has nearly 1300 members, who represent approximately 38,800 women religious. LCWR has joined this amicus brief because Catholic sisters began coming to these shores 288 years ago as immigrants to serve the immigrant and refugee communities and continue to this day to minister to refugees and new immigrants in schools, hospitals, and social service agencies.

The **Missionary Servants of the Most Holy Trinity**, founded in 1929, is a congregation of Catholic priests and Brothers who work in the United States and Latin America with the poor and abandoned, including recent immigrants.

The **Multifaith Alliance for Syrian Refugees** (MFA), a project of the Tides Center, is a coalition of 80 faith-based and secular organizations whose mission is to mobilize global support to alleviate the Syrian humanitarian crisis, heighten awareness of the growing dangers of not responding adequately, and advance future stability in the region. Because the Executive Order suspends the U.S. Refugee Admissions Program indefinitely for Syrian refugees and 120 days for others; halts entry into the United States of legal entrants from six Muslim-majority countries for 90 days; halves the ceiling for refugee admission in FY 2017 and otherwise negatively affects potential Syrian and Muslim refugee entrants; and because the Executive Order violates the tenets

of every major religious faith and the principles on which our democracy is founded, MFA has significant interest in this litigation.

The **National Advocacy Center of the Sisters of the Good Shepherd** educates and advocates on social-justice issues for the transformation of society to the benefit of all people. The center reflects the spirituality, history, and mission of the Sisters of the Good Shepherd, who have had a presence in the United States for over 175 years. The Sisters and their Mission Partners address the needs of thousands of low-income people in the United States and overseas each year. Dedicated to serving girls, women, and families who experience poverty, exploitation, vulnerability, and marginalization, the Congregation and their lay partners minister to immigrants and victims of human trafficking here and abroad. We strongly oppose the Executive Order barring refugees and citizens of six predominantly Muslim countries from entry to the United States.

The **National Council of Churches** is the largest and oldest ecumenical organization in the United States and is comprised of 38 denominations numbering some 30 million adherents in more than 100,000 local congregations. Based on its understanding of scripture, the NCC believes we have a responsibility to welcome and assist refugees of all faiths and nationalities.

The **National Council of Jewish Women** (NCJW) is a grassroots organization of 90,000 volunteers and advocates who are inspired by Jewish values to strive for social justice. NCJW joins this brief in keeping with its formal resolve to work for

"[c]omprehensive, humane, and equitable immigration, refugee, asylum, and naturalization laws, policies, and practices that facilitate and expedite legal status and a path to citizenship for more individuals."

National Justice for Our Neighbors, a United Methodist ministry, supports a network of 16 sites around the country that provide immigration legal services to low-income immigrants and refugees.

Reverend J. Herbert Nelson, II, Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) ("PCUSA") joins this brief as the senior ecclesiastical officer of the PCUSA. The PCUSA is a national Christian denomination with nearly 1.6 million members in over 9,500 congregations. Through its antecedent religious bodies, it has existed as an organized religious denomination within the current boundaries of the United States since 1706. This brief is consistent with seventy years of policies adopted by the General Assembly of the PCUSA expressing the desire that refugees be welcomed into the United States and by our congregations, and with our policies which demand that U.S. immigration law and policy protect family unity and be carried out free of discrimination and full of due process. While the General Assembly does not claim to speak for all Presbyterians, nor do its policies bind the membership of the Presbyterian Church, it is the highest legislative and interpretive body for the denomination and the final point of decision in all disputes. As such, its statements are considered worthy of the respect and prayerful consideration of all the denomination's members.

NETWORK Lobby for Catholic Social Justice educates, organizes, and lobbies for social and economic transformation. Founded by Catholic Sisters in the progressive spirit of Vatican II, we are rooted in Catholic Social Justice tradition and open to all who share our passion. The NETWORK community of justice-seekers is more than 50,000 strong with members in every state and every congressional district. NETWORK joins in this amicus brief because we are called by faith to welcome the stranger and love our neighbor.

The **Reconstructionist Rabbinical Association**, established in 1974, represents 350 rabbis across North America and serves as a voice of Reconstructionist Jewish values in partnership with more than 100 Reconstructionist Jewish congregations and their members. Its understanding of Jewish tradition and experience compels its support for refugees and immigrants as an act of justice and compassion in the world.

The **Reconstructionist Rabbinical College/Jewish Reconstructionist Communities** is the central organization of the Reconstructionist movement, training leaders, providing resources to communities and raising up the Reconstructionist perspective. We support this brief because it expresses core Jewish values. The Hebrew Bible exhorts us no less than 36 times to welcome and embrace the stranger. It also teaches that every individual is created *betzelem Elohim,* in the image of God. We see that this extends directly and compellingly toward a refugee policy that is as welcoming as can be while taking legitimate security concerns into consideration. We support national policies that live

up to the ideals of our faith as well as the founding documents of the American republic.

The **School Sisters of Saint Francis, United States Province** are part of an international congregation of religious women. The United States Province was established when immigrant sisters came to the United States from Europe in order to work with immigrants. Its mission is to serve the poor and otherwise needy. As a province, it joins the ranks of others who wish to speak out to challenge the anti-refugee Executive Order.

The **Sisters of St. Francis of Clinton, Iowa** is a Catholic religious order. The Leadership Team of the order decided to join this amicus brief because the order has taken a corporate stand to welcome immigrants and refugees and to advocate for policies that uphold their basic civil and human rights.

The **Sisters of St. Francis of Penance and Christian Charity, St. Francis Province** are based in Redwood City, California, and are called to solidarity with those who are powerless and work with them to change situations in which the dignity of persons is violated. The Sisters have joined the amicus brief because the ban on refugees and immigrants is counter to their beliefs and values as Franciscan Sisters.

The **Sisters of St. Francis of Philadelphia** are a community of approximately 430 Catholic women who choose a Gospel way of life and uphold a long and honored tradition of loving God through service. A community that "seeks to participate in the Spirit's action in the world," they have joined this amicus brief because of their commitment to directing per-

sonal and corporate resources to the promotion of justice, peace, and reconciliation.

The **Sisters of the Holy Names of Jesus and Mary, U.S.-Ontario Province** is a Catholic Women Religious congregation with 430 Sisters and over 300 Lay Associates in the United States and Ontario, Canada. We have great interest in this amicus brief because our values include welcoming and advocating for immigrants and refugees. Several of our Sisters and Associates work and volunteer with immigrants and refugees, so we are familiar with the roadblocks and struggles they have to endure. We wish to be proactive in assisting and welcoming immigrants and refugees to the United States.

Founded in the early 1970s, **Sojourners** believes that U.S. citizens, immigrants, and refugees who practice their Islamic faith in this country are brothers and sisters as fellow human beings and children of God. The violation of the religious freedom of Muslim brothers and sisters must not be accepted by any people of faith.

The **Southwest Conference of the United Church of Christ** is the regional body that provides support and services to 49 local UCC congregations and clergy within Arizona, New Mexico, and El Paso, Texas. We are proud of our progressive view of the Gospel. Our mission statement, "extravagantly welcoming and affirming followers of Christ called to embody God's unconditional justice and love," is manifested in a deep commitment to ministry of extravagant welcome to migrants, undocumented permanent residents, refugees and the lesbian, gay,

bisexual and transgender community, to name just a few of our constituents.

Tanenbaum (Tanenbaum Center for Interreligious Understanding) is a secular, non-sectarian organization combating religious stereotypes, hatred, and violence through practical approaches in workplaces, schools, health care institutions and conflict zones. Tanenbaum collaborates with religiously driven Peacemakers in Action, who risk their lives in armed conflicts including in Syria, Yemen, and Iraq. The travel ban that is the subject of this submission targets refugees based on their religious identity; undermines Tanenbaum's work to support religious pluralism and freedom of belief; and directly impairs Tanenbaum's work with our Peacemakers from conflict zones.

T'ruah: The Rabbinic Call for Human Rights brings together rabbis and cantors from all streams of Judaism, together with all members of the Jewish community, to act on the Jewish imperative to respect and advance the human rights of all people. We join this amicus brief to express our condemnation of the Executive Order, which effectively closes our borders to Muslims and flagrantly violates America's longstanding, values-driven commitment to serving as a safe haven for refugees.

The **Unitarian Universalist Association** (UUA) comprises more than 1,000 Unitarian Universalist congregations nationwide and is dedicated to the principle of freedom of religion for all people and to freedom from oppression. The UUA has joined the amicus brief because it believes that the Executive

Order is unconstitutional and undermines the UUA's core principles.

The **Unitarian Universalist Service Committee** is a non-sectarian human-rights organization powered by grassroots collaboration. UUSC began its work in 1939 when Rev. Waitstill and Martha Sharp took the extraordinary risk of traveling to Europe to help refugees escape Nazi persecution. A moral commitment to protecting the rights and dignity of persons, particularly those seeking refuge from violence, discrimination, persecution, and natural disasters, has been at the center of our organization's mission for more than 75 years. Given our history, we seek to promote a well-functioning, just immigration system–including refugee resettlement processes–and sizeable entrant numbers consistent with our nation's moral, legal, and political obligations as a member of the world community. We also provide financial assistance to grassroots groups that help refugees resettle in the United States, including many from majority-Muslim nations.

UNITED SIKHS is a U.N.-affiliated, international nonprofit, non-governmental, humanitarian-relief, human-development and advocacy organization that aims at empowering those in need, especially disadvantaged and minority communities across the world. Our mission is to transform, alleviate, educate and protect the lives of underprivileged individuals and minority communities impacted by disasters, natural or man-made, and who suffer from hunger, illiteracy, diseases, or from violation of civil and human rights. By fostering sustainable programs, we help communities to become informed and vibrant members of society. We join the many organ-

izations as signatories in this amicus brief to lend support to refugee families and individuals who are affected and endangered by the Executive Order.

INTRODUCTION AND SUMMARY OF ARGUMENT

Amici, who represent members of a wide range of faiths, sects, and interreligious groups, are acutely aware that when the U.S. government carries out official acts that are motivated by religious animus, it harms people of all faiths. Executive Order 13,780 is such an act—the result of the President's long-stated objective to exclude (at least temporarily) Muslims from entering this Nation. The Order offends the very notion of the United States "as a refuge of religious tolerance" for people of all faiths. *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1153 (10th Cir. 2013) (Gorsuch, J., concurring), *aff'd*, 134 S. Ct. 2751 (2014). The Establishment Clause's central purpose is to protect religious liberty by prohibiting the government from picking and choosing among faiths, or from singling out any one faith for disfavor. The Order contravenes that purpose. It directly harms Muslims not only by restricting travel rights but also by singling out Muslims as a disfavored group. In so doing, the Order harms members of all faiths as beneficiaries of this Nation's commitment to religious free exercise.

The Order further targets refugees—the most vulnerable and oppressed populations in the world. We are in the midst of the largest refugee crisis of our time. More than 21 million refugees have fled war, persecution, terrorism, enslavement, and other horrific abuses. Amici's faiths compel them to aid

refugees in crisis. Yet the Order precludes people of all faiths from fulfilling their moral and religious obligations toward refugees in desperate need of assistance. It already has had a devastating impact on faith-based refugee-assistance programs, and it will continue to do so unless enjoined.

The decisions of the courts of appeals affirming the injunctions of the travel and refugee bans should be affirmed.

ARGUMENT

I. THE EXECUTIVE ORDER DISCRIMINATES AGAINST MUSLIMS AND HARMS MEMBERS OF ALL FAITHS

Amici are united in their embrace of the Nation's fundamental constitutional commitments to religious freedom and non-discrimination. Amici believe the Executive Order contravenes those basic principles. The Order was intended to target Muslims—it has resulted in the vilification of Muslims, and it has obstructed Muslims in the practice of their faith. By undermining the constitutional guarantees of free exercise and non-discrimination, the Order harms not only Muslims but members of all faiths, who rely on those basic constitutional rights to freely practice their religions.

A. The Executive Order Is Intended To Target Muslims

The Executive Order is clearly intended to do what the Establishment Clause of the First Amendment forbids: target members of one faith, Islam.

The Nation's commitment to religious freedom and non-discrimination is firmly woven into our national

fabric and our constitutional system. The government is prohibited from favoring a particular religion over others and from singling out any religion for censure. The Establishment Clause "forbids an official purpose to disapprove of a particular religion or of religion in general." *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993); *see also W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) ("If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."). "The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another." *Larson v. Valente*, 456 U.S. 228, 244 (1982). This Court has long recognized that efforts by the government to favor one religion "inevitabl[y] result" in incurring "the hatred, disrespect and even contempt of those who h[o]ld contrary beliefs." *Engel v. Vitale*, 370 U.S. 421, 431 (1962). Such acts send messages to members of minority faiths "that they are outsiders, not full members of the political community." *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)).

Amici, both as faith and interfaith leaders and as members of faiths that have experienced religious persecution, are unfortunately familiar with the history of religious minorities who have faced discrimination and exclusion from the United States based on stereotypes and stigma. One of the most infamous instances occurred in 1939, when a ship carry-

ing more than 900 Jewish men, women, and children fleeing Nazi Germany was turned away from U.S. shores. Many in the United States suspected that these Jewish refugees were threats to national security. The ship was forced to return to Europe, and more than a quarter of its passengers perished in the Holocaust. *See* Daniel A. Gross, *The U.S. Government Turned Away Thousands of Jewish Refugees, Fearing That They Were Nazi Spies*, Smithsonian.com (Nov. 18, 2015).[2]

Our history shows that laws that are written to appear neutral on the basis of religion may actually have been designed as tools of religious persecution. Douglas Laycock, *The Religious Freedom Restoration Act*, 1993 BYU L. REV. 221, 223 (1993). For example, the large influx of Roman Catholic immigrants in the mid-nineteenth century led to anti-Catholic riots, burnings of Catholic churches, beatings of Catholic students who refused to use the King James Bible, and the rise of nativist political movements that campaigned to restrict immigration by Catholics. *See* Michael W. McConnell, *Is There Still a "Catholic Question" in America? Reflections on John F. Kennedy's Speech to the Houston Ministerial Association*, 86 NOTRE DAME L. REV. 1635, 1639 (2011). Amidst the furor, the Ku Klux Klan and other nativist groups secured the enactment of a law requiring all children to attend public schools, effectively shuttering Catholic schools. Laycock, 1993 BYU L. REV. at

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[2] http://www.smithsonianmag.com/history/us-government-turned-away-thousands-jewish-refugees-fearing-they-were-nazi-spies-180957324/.

223-24. Similarly, Mormons were persecuted in the nineteenth century as they were driven off their lands and forced to flee across the country. *Id.* at 223. Among the tools of persecution were neutral-sounding laws enacted to target Mormons, which required voters to take anti-polygamy oaths as a condition of their right to vote. *Id.* at 223-24.

The Executive Order here was similarly couched in neutral-sounding terms, imposing a categorical ban on nationals from six enumerated countries. Yet amici understand it for what it is: an official act of discrimination on the basis of religion. As the Fourth Circuit concluded, the Order's primary purpose is to discriminate against Muslims. *Int'l Refugee Assistance Project v. Trump*, 857 F.3d 554, 594-601 (4th Cir. 2017). All six countries included in the ban have predominantly Muslim populations. The Order is consistent with President Trump's call as a candidate for "a total and complete shutdown of Muslims entering the United States until our representatives can figure out what is going on." *Id.* at 594. This call for a "Muslim ban" was repeated throughout the 2016 Presidential campaign, accompanied by further statements from then-candidate Trump that "Islam hates us" and that "we're having problems with the Muslims." *Ibid.* The proposed "Muslim ban" later morphed into a plan to "call it territories" and impose nationality-based travel restrictions. *See ibid.* The President, upon signing the predecessor version of the Order, stated that it was meant to protect the Nation from entry by foreign terrorists—and then added, "We all know what that means." *Ibid.* Indeed, as recently as September 15, 2017, the President stated: "The travel ban into the United States

should be far larger, tougher and *more specific*–but stupidly, that would not be politically correct!" Donald J. Trump (@realDonaldTrump), TWITTER (Sept. 15, 2017, 3:54 a.m.)[3] (emphasis added). It is plain to members of the faith community that a desire to exclude Muslims motivated the issuance of this Order.[4]

Were the Court to reverse the courts of appeals' judgments, despite such overwhelming evidence of animus, it would send a message that religious-based discrimination is tolerable so long as it is framed in a way that appears superficially neutral toward religion. It would provide an Establishment Clause-evading roadmap for governments at all levels that wish to enact policies disfavoring Muslims (or adherents of any faith that is not in or falls out of favor). And it also would have the potential to further fan the flames of anti-Muslim sentiment, signaling to the public that anti-Muslim hatred is not only tolerated but sanctioned by the government. *Cf.* Laycock, 1993 BYU L. REV. at 223 (describing outburst of private violence against Jehovah's Witnesses after this Court's decision upholding a flag-salute requirement).

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[3] https://twitter.com/realDonaldTrump/status/908645126146265090.

[4] Indeed, the Order is not even neutral on its face. It invokes the specter of "honor killings," which is a coded term that reinforces the stigmatization of Muslims as violent and backward. *Int'l Refugee Assistance Project*, 857 F.3d at 596 n.17.

B. The Executive Order Harms Muslims

The Order is also directly harmful to Muslims who are constitutionally entitled to freely practice their faith in the United States. The Order and its predecessor have disrupted the lives of Muslim Americans who fear that they are being targeted for exclusion and could face separation from their families. *See, e.g.*, Neil Munshi, *Muslim Americans Express Anxiety Over Trump Travel Ban*, FINANCIAL TIMES (Feb. 2, 2017);[5] *see also* Faiyaz Jaffer, *The Travel Ban Has Been Particularly Harsh on Shiite Muslims*, GAZETTE (May 26, 2017) (describing the story of a college student who feared that, if he went to say his final goodbyes to a dying relative in Iran, he might be unable to return to the United States to study).[6]

The two Orders have separated couples engaged to be married and caused family members to miss weddings of their loved ones, as well as births and deaths—key moments in the personal and religious life of a faith community. *See* Jack Healy & Anemona Hartocollis, *Love, Interrupted: A Travel Ban Separates Couples*, N.Y. TIMES (Feb. 8, 2017);[7] Ed Pilkington, *Trump Travel Ban Crackdown Turns Wedding Celebration Into a Family Separation*,

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[5] https://www.ft.com/content/ba9f2d88-e905-11e6-893c-082c54a7f539?mhq5j=e2.

[6] http://gazette.com/the-travel-ban-has-been-particularly-harsh-on-shiite-muslims/article/1603972.

[7] https://www.nytimes.com/2017/02/08/us/love-interrupted-a-travel-ban-separates-couples.html.

GUARDIAN (Apr. 14, 2017).[8] The Order's predecessor interfered with religious practice and community by barring prominent Muslims with citizenship or dual citizenship in the affected countries from fulfilling long-planned speaking engagements at conferences, religious services, festivals, and universities in the United States. *E.g.*, *Aziz v. Trump*, No. 17-cv-116, 2017 WL 580855, at *2 (E.D. Va. Feb. 13, 2017).

The Order also has harmed all American Muslims at a profoundly deeper level. It has ostracized those who simply want to practice their faith freely and live peacefully as neighbors, students, colleagues, families, and members of their communities. It has contributed to an environment in which Muslims are increasingly subject to violence, harassment, and discrimination because of their faith. This is borne out by recent hate crimes that have been perpetrated against Muslims[9]—or people *perceived* to be Muslims.[10] As amicus Islamic Relief USA recounts:

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[8] https://www.theguardian.com/us-news/2017/apr/14/trump-travel-ban-visa-iran-wedding.

[9] *See* Nancy Coleman , *Mosques Targeted in 2017*, CNN.com, available at http://www.cnn.com/2017/03/20/us/mosques-targeted-2017-trnd/index.html (last visited September 12, 2017). The map, which contains data from January through July 2017, describes 63 reported incidents of attacks against mosques, including suspected arson and spray-painting of anti-Muslim epithets. *See also, e.g.*, Bill Lindelof, *Two Suspected Hate Crimes in Less Than Two Weeks at Davis, Roseville Mosques*, SACRAMENTO BEE (Feb. 1, 2017), http://www.sacbee.com/news/local/crime/article130135154.html.

[10] *See* Daniel Victor, *Three Men Stood Up to Anti-Muslim Attack. Two Paid With Their Lives*, N.Y. TIMES (May 28, 2017)

(Footnote continued on following page)

> Singling out Muslims in this manner creates fear that additional fundamental freedoms are also under threat. We know of a family that came to the United States because their lives were threatened by ISIS after they helped U.S. troops in Iraq. They now fear that their citizenship applications will be jeopardized. A non-Muslim donor called us weeping after a family member was denied access to a grocery store because she was wearing a head scarf. A wife was afraid she wouldn't be reunited with her husband. A mother fears she will be separated from her child because she wears the hijab. Their fears and experiences demonstrate the underlying intent to target and discriminate against Muslims, whether framed as a regional travel ban or something more explicit.

That the Order's proffered justification was based on the threat of terrorism makes the Order all the more pernicious. Conflating "Muslims" with "terrorists" obscures the fact that most victims of terrorism are themselves Muslims. National Counterterrorism Center, 2011 Report on Terrorism at 14.[11] Attempts to justify the Order based on the threat of terrorism—and to treat populations of entire Muslim-

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(describing stabbing victims' efforts to intervene when a man shouted anti-Muslim insults at two women in Portland, Oregon, and noting that one of the women is not Muslim), https://www.nytimes.com/2017/05/28/us/portland-stabbing-victims.html.

[11] https://fas.org/irp/threat/nctc2011.pdf.

majority countries as potential terrorists—only compound anti-Muslim vilification.

These harms would be revisited if the judgments of the courts of appeals were to be reversed. Muslims living in the United States would be subjected anew to what they and many others rightly view as official condemnation of their faith.

C. Singling Out Members Of One Faith Erodes Core Constitutional Principles Critical To The Free Exercise Of All Faiths

In contrast with many other countries, where religious conflict has at times led to upheaval and suffering, the United States has generally strived for peaceful co-existence among religions. "It was in large part to get completely away from * * * religious persecution that the Founders brought into being our Nation, our Constitution, and our Bill of Rights with its prohibition against any governmental establishment of religion." *Engel* 370 U.S. at 433. As a result of those guarantees, the United States today is a country of vibrant religious beliefs, practices, and communities in which faith continues to play an important role in most Americans' lives.

Thus, the harm caused by singling out members of one religious faith is not restricted to the disfavored sect; it harms all religious groups by eroding core principles that have allowed a multitude of faiths to coexist and to thrive. Protections for the free exercise of religion are critical to "vindicat[e] this nation's long-held aspiration to serve as a refuge of religious tolerance." *Hobby Lobby Stores*, 723 F.3d at 1153 (Gorsuch, J., concurring); *see Town of Greece v. Gal-*

loway, 134 S. Ct. 1811, 1823 (2014) (official efforts to "denigrate * * * religious minorities" violate the Establishment Clause). By both protecting the free exercise of religion and prohibiting the government from favoring or disfavoring any one religion, the First Amendment "seek[s] to avoid * * * divisiveness based upon religion that promotes social conflict, sapping the strength of government and religion alike." *Van Orden v. Perry*, 545 U.S. 677, 698 (2005) (Breyer, J., concurring).

Affirming the judgments below is essential to not only protect Muslims from discrimination but to ensure religious liberties for members of all faiths.

II. THE EXECUTIVE ORDER DEVASTATES REFUGEES AND PRECLUDES FAITH-BASED ASSISTANCE TO THEM

A. Refugees Are the Most Vulnerable of the Vulnerable: Victims of War, Persecution, and Terrorism

The Executive Order curtails the United States Refugee Admissions Program at a time when that program is more essential than ever. As former United Nations Secretary-General Ban Ki-moon (himself once an internally displaced person) stated: "We are facing the biggest refugee and displacement crisis of our time." Press Release, Secretary-General, Refugee Crisis about Solidarity, Not Just Numbers, Secretary-General Says at Event on Global Displacement Challenge, U.N. Press Release

SG/SM/17670-REF/1228 (Apr. 15, 2016).[12] More than 65 million individuals have been forcibly displaced from their homes as a result of conflict or persecution, including 22.5 million individuals who meet the definition of "refugee." U.N. High Comm'r for Refugees (UNHCR), *Figures at a Glance.*[13] The number of displaced persons today is the highest it has been since the period immediately following World War II. UNHCR, *Global Trends: Forced Displacement in 2015* at 5.[14]

Refugees are among the most vulnerable people in the world: they have been forced to flee their homes because of persecution or conflict and need sanctuary because they do not have the protection of their own governments. U.N. General Assembly, *Convention Relating to the Status of Refugees*, art. 1A(2), 28 July 1951, United Nations, Treaty Series, vol. 189, at pp. 153-54. By definition, refugees are not criminals or terrorists; individuals who have committed serious, non-political crimes, crimes against peace, war crimes, or crimes against humanity are *excluded* from refugee status. *Id.*, art. 1F(a)-(c), at p. 156.

Refugees who are eligible for admission to the United States are among the most persecuted of all. The majority of refugees admitted to the United States have been identified by the United Nations High Commissioner for Refugees as those most in need of resettlement to a third country. U.S. Dep't of

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[12] http://www.un.org/press/en/2016/sgsm17670.doc.htm.

[13] http://www.unhcr.org/en-us/figures-at-a-glance.html.

[14] http://www.unhcr.org/576408cd7.

State, Bureau of Population, Refugees, and Migration, Fact Sheet: U.S. Refugee Admissions Program FAQs (Jan. 20, 2017).[15] To qualify, refugees must generally be survivors of torture or violence, or face threats of arbitrary arrest, detention, or imprisonment, or be at risk of sexual violence, physical abuse, and other exploitation. UNHCR, *UNHCR Resettlement Handbook: Chapter 6-UNHCR Resettlement Submission Categories*, July 2011;[16] 8 U.S.C. § 1101(a)(42) (to qualify for refugee resettlement in the United States, a person must have a well-founded fear of persecution based on one of five protected grounds: race, religion, political opinion, nationality, or membership in a particular social group).

Conditions in refugees' countries of origin are exceedingly dangerous, including in the countries with the highest number of refugees resettling in the United States last year.[17] The Democratic Republic of the Congo (DRC), has been engulfed in various ongoing armed conflicts for the last two decades, causing an estimated 5.4 million deaths since 1998. Centers for Disease Control and Prevention (CDC), Congolese Refugee Health Profile at 3 (Mar. 1,

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[15] https://www.state.gov/j/prm/releases/factsheets/2017/266447.htm.

[16] http://www.unhcr.org/3d464e842.html.

[17] Those countries are the Democratic Republic of the Congo, Syria, Burma, Iraq and Somalia. Ruth Igielnik and Jens Manuel Krogstad, *Where Refugees to the U.S. Come From*, Pew Research Center (Feb. 3, 2017), http://www.pewresearch.org/fact-tank/2017/02/03/where-refugees-to-the-u-s-come-from/.

2016);[18] International Rescue Committee, *Democratic Republic of Congo.*[19] "The conflict in eastern DRC has been marked by numerous human rights abuses, including sexual and gender-based violence (SGBV). Reports include gang rapes, sexual slavery, purposeful mutilation of women's genitalia, and killing of rape victims. One study estimated that 48 women are raped every hour in DRC, which is a little over 1,150 women a day." CDC, Congolese Refugee Health Profile, *supra*, at 11. Children in the DRC are forced into various forms of child labor, including mining of precious metals and minerals, and "child soldiers" are forcibly recruited into armed conflict. U.S. Dep't of Labor, Bureau of Int'l Labor Affairs, *Child Labor and Forced Labor Reports: Democratic Republic of the Congo*;[20] Free the Slaves, *The Congo Report: Slavery in Conflict Minerals* at 20-22 (June 2011).[21]

In Syria (whose residents are doubly barred by the travel ban and refugee ban), the civil war has displaced more than half of the pre-conflict population—an estimated 12.5 million people—which is "unprecedented in recent history for a single country." Phil-

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[18] https://www.cdc.gov/immigrantrefugeehealth/pdf/congolese-health-profile.pdf.

[19] https://www.rescue.org/country/democratic-republic-congo#what-caused-the-current-crisis-in-congo.

[20] https://www.dol.gov/agencies/ilab/resources/reports/child-labor/congo-democratic-republic.

[21] https://www.freetheslaves.net/wp-content/uploads/2015/03/The-Congo-Report-English.pdf.

lip Connor & Jens Manuel Krogstad, *About Six-In-Ten Syrians Are Now Displaced From Their Homes*, Pew Research Center (June 13, 2016).[22] Even before the April 2017 chemical weapons attacks attributed to the Syrian government, the situation was exceedingly grim. Human-rights groups have documented the Syrian government's detention of tens of thousands of people, many of whom have been subjected to torture, inadequate access to food and medical treatment, and death. Human Rights Watch, *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities* (Dec. 16, 2015).[23] The United States has now accused the Syrian government of using a crematory to hide mass executions at a prison. Gardiner Harris, et al., *Syrian Cemetery Is Hiding Mass Killings Of Prisoners, U.S. Says*, N.Y. TIMES (May 15, 2017).[24] Recalling Nazi Germany, the U.S. Ambassador to the United Nations stated: "The attempt to cover up mass murders in the Assad crematorium is reminiscent of the 20th century's worst offenses against humanity." *Ibid.*

In Somalia (another country whose residents have been doubly targeted by the travel and refugee bans), decades of conflict, including ongoing attacks by al-Shabaab, have displaced more than 1 million people. International Crisis Group, *What's Driving the Glob-*

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[22] http://www.pewresearch.org/fact-tank/2016/06/13/about-six-in-ten-syrians-are-now-displaced-from-their-homes/.

[23] https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities.

[24] https://www.nytimes.com/2017/05/15/world/middleeast/syria-assad-prison-crematory.html.

al Refugee Crisis? (Sept. 15, 2016).[25] The State Department has documented "grave abuses" by al-Shabaab, including extrajudicial killings, disappearances, compulsory marriages, rape, blocking humanitarian assistance, and conscripting child soldiers. U.S. Dep't of State, Bureau of Democracy, H.R and Lab., Somalia 2016 Human Rights Report at 1, 2, 13, 35.[26] Al-Shabaab raids schools and mosques to recruit and force children to participate in hostilities—including forcing children to punish and execute other children and to engage in conflict as human shields and suicide bombers. *Id.* at 14.

In response to the ongoing refugee crisis, the United States committed to increasing its admission of the world's refugees. In Fiscal Year 2016 (October 2015 to September 2016), Americans welcomed 84,995 refugees. U.S. Dep't of State, Bureau of Population, Refugees, and Migration, Fact Sheet: Fiscal Year 2016 Refugee Admissions (Jan. 20, 2017).[27] For Fiscal Year 2017 (October 2016 to September 2017), the United States authorized the admission of 110,000 refugees. U.S. Dep't of State, U.S. Dep't of Homeland Security, and U.S. Dep't of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress* 5.[28] While

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[25] https://www.crisisgroup.org/global/what-s-driving-global-refugee-crisis.

[26] https://www.state.gov/documents/organization/265512.pdf.

[27] https://www.state.gov/j/prm/releases/factsheets/2017/266365.htm.

[28] http://www.state.gov/documents/organization/262168.pdf.

this number accounted for only a tiny fraction of the need, the increase over the prior year signaled that our Nation recognized its moral obligation toward these victimized children, women and men.

The Executive Order was an about-face. It suspended the admission of refugees altogether and cut by more than half—from 110,000 to just 50,000—the target for the number of refugees to arrive in the United States during Fiscal Year 2017. Protecting the Nation from Foreign Terrorist Entry Into the United States, Exec. Order 13,780, § 6 (a)-(b), 82 Fed. Reg. 13,209, 13,215-16 (Mar. 9, 2017). Refugee admissions plummeted from 9,945 in October 2016, the first month of the fiscal year, to just 913 in August 2017. U.S. Dep't of State, Bureau of Population, Refugees, and Migration, Refugee Arrivals by Placement State and Nationality, Oct. 1, 2016 through August 31, 2017.[29] Only 51,392 refugees have been admitted to the United States during the first eleven months of the fiscal year. *Ibid.*

When the Order was announced, refugees who had passed four to six years of background checks and were about to leave for the United States were instead sent to rejoin the hundreds of thousands of their fellows consigned to life in squalid refugee camps. Jeffrey Gettleman, *For Stranded Somali Refugees, 'Friend of America' Is a Deadly Label*, N.Y. TIMES, Feb. 3, 2017, at A18. The Order removes any hope that these people or countless others in similar

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[29] Available at http://www.wrapsnet.org/admissions-and-arrivals/.

circumstances around the world may find refuge in the United States in the near future.

B. The Executive Order Precludes Amici's Efforts To Fulfill Their Moral And Religious Obligations To Aid Refugees

The Order conflicts with faith-based organizations' missions to assist those in need. Amici's faiths teach that one must not forsake people in their time of crisis, as the following excerpts from sacred texts show:

- Christianity: "And God will say to the righteous: 'For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.' Then the righteous will answer him, 'Lord, when did we see you hungry and feed you, or thirsty and give you something to drink? When did we see you a stranger and invite you in, or needing clothes and clothe you? When did we see you sick or in prison and go to visit you?' The King will reply, 'Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.'" Matthew 25:35-40.

- Islam: "Be kind to parents, and the near kinsman, and to orphans, and to the needy, and to the neighbor who is of kin, and to the neighbor who is a stranger, and to the companion at your side, and to the traveler, and

to that your right hands own." Qur'an 4.36-37.

- Judaism: "When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt." Leviticus 19:33-34. "Defend the weak and the fatherless; uphold the cause of the poor and the oppressed. Rescue the weak and the needy; deliver them from the hand of the wicked." Psalm 82:3-4.

- Sikhism: "None is our enemy, none is stranger to us, we are in accord with one and all * * * ." Sri Guru Granth Sahib, page 1299, Full Shabad.

Many amici and their members thus actively participate in aiding refugees, including refugees who adhere to different faiths. Amici assist refugees who are resettling in the United States and work with congregations to provide refugees with practical, emotional, and spiritual support as they build new lives. Indeed, of the nine agencies currently responsible for refugee resettlement on behalf of the United States, six are faith based.

Amicus Church World Service exemplifies the crucial role these agencies play. It alone has assisted more than 850,000 refugees since its founding in 1946. Amicus Disciples Home Missions of the Christian Church (Disciples of Christ) has resettled more than 38,000 refugees since 1949 and provided legal

assistance to countless immigrants, and it actively engages its congregations and church members to support immigrants and refugees. Lutheran Immigration and Refugee Services, which is supported by amicus the Evangelical Lutheran Church in America and other Lutheran denominations, has been welcoming, supporting, and resettling immigrants and refugees since 1939 when it was created by Lutheran congregations in the United States. Some Roman Catholic religious orders, including ones represented here through the Leadership Conference of Women Religious, trace their very existence in the United States to religious sisters who migrated here specifically to work with immigrants.

Because closing the door on refugees and imposing religion-based restrictions on entry to the United States are fundamentally at odds with their deeply held values, a remarkable coalition of religious leaders has joined together to speak out against the Executive Order. More than 5,000 religious leaders have endorsed an open letter to the President opposing the exclusion of refugees as incompatible with "sacred texts and faith traditions to love our neighbor, accompany the vulnerable, and welcome the sojourner." Interfaith Immigration Coalition, *More than 5,000 Religious Leaders Sign Letter Supporting Refugee Resettlement* (Mar. 10, 2017).[30] These leaders emphasize the "urgent moral responsibility to receive refugees and asylum seekers." *Ibid.* As amicus the Evangelical Lutheran Church in America notes,

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[30] http://www.interfaithimmigration.org/5000religiousleaderletter/.

the sharp reduction in refugee admissions in the current year is "not only a tragedy for those who wait to come here, but also forces an abrupt and arbitrary limitation on an established ministry and area of services that we Lutherans understand as core to our identity, theology and call."

The Order has devastated faith-based refugee organizations' ability to maintain operations and services moving forward, thereby crippling the nation's ability to respond to future humanitarian crises. Episcopal Migration Ministries announced in early April 2017 that cutbacks forced by the Order have resulted in reductions of more than 20% in its national staff and in its affiliate network, cuts that will hamper assistance to refugees already resettled as well. Mary Frances Schjonberg, *Trump's Immigration Policies Force Reduction of Episcopal Church's Refugee Resettlement Network*, EPISCOPAL NEWS SERVICE (Apr. 4, 2017).[31] World Relief announced in February 2017 that, as a direct result of the Order's reduction in future refugee admissions, it is closing five offices and laying off 140 staff members. Press Release, World Relief, World Relief Announces the Layoff of 140+ Staff and Closure of Five Local Offices Due to the Trump Administration's Reduction in Refugee Resettlements in the U.S. (Feb. 15, 2017);[32]

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[31] http://episcopaldigitalnetwork.com/ens/2017/04/04/trumps-immigration-policies-force-reduction-of-episcopal-churchs-refugee-resettlement-network/.

[32] https://www.worldrelief.org/press-releases/world-relief-announces-the-layoff-of-140-staff-and-closure-of-five-local-

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see Dan Barry, *A Resettlement Mission Upended by the Sweep of a President's Pen*, N.Y. TIMES (Feb. 5, 2017).[33] Amicus Islamic Relief USA, which in 2016 assisted refugees and displaced people in thirteen countries, including the United States, has put on hold its plans to request certification as one of the principal refugee-resettlement organizations in the United States in part because of the policy stance the Executive Order represents.

The Executive Order thus not only harms the refugees who would be denied entry but also saps the vitality of the many faith-based efforts to assist them.

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offices-due-to-the-trump-administrations-reduction-in-refugee-resettlements-in-the-us.

[33] https://www.nytimes.com/2017/02/05/us/lancaster-refugees-trump-travel-ban.html.

CONCLUSION

The judgments of the Fourth and Ninth Circuits should be affirmed.

Respectfully submitted,

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